

Message Text

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INFO OCT-01 ISO-00 HA-05 L-03 SS-15 NSC-05 SP-02 CU-04
CIAE-00 INR-10 NSAE-00 /057 W
-----004403 271406Z /45
R 241755Z MAR 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 9601
INFO AMCONSUL LENINGRAD

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 05674

E.O. 11652: GDS
TAGS: PINT, PINS, CSCE, SHUM, UR, OVIP
SUBJECT: AMERICAN LAWYER ORVILLE H. SCHELL

REF: LENINGRAD 0847

SUMMARY: FORMER PRESIDENT OF NEW YORK BAR ASSOCIATION
ORVILLE H. SCHELL AND ATTORNEY JEROME L. COBEN MET WITH
AMBASSADOR MARCH 23 FOR DISCUSSION OF THEIR MEETINGS
WITH SOVIET OFFICIALS DURING PRIVATE VISIT TO USSR.
HIGHLIGHTS OF VISITS WITH SOVIETS INCLUDED TWO AND ONE-
HALF HOUR MEETING WITH USA INSTITUTE DIRECTOR ARBATOV
AND MEETING WITH MOSCOW COLLEGIUM OF LAWYERS PRESIDENT
APRAKSIN. SCHELL REPORTED HE SPOKE VERY FRANKLY WITH
BOTH MEN ABOUT IMPACT OF SHCHARANSKIY CASE AND SOVIET
HUMAN RIGHTS POLICIES ON U.S. PUBLIC OPINION. HE FOUND
ARBATOV WORRIED ABOUT DETENTE, BUT WAS TOLD BY APRAKSIN
THAT SHCHARANSKIY DEFINITELY WILL BE TRIED. SCHELL IS
STILL ATTEMPTING TO SEE PROSECUTOR GENERAL RUDENKO. HE
HAS MET WITH REFUSENIK ACTIVIST SLEPAK AND PLANS TO SEE
SAKHAROV MARCH 24. END SUMMARY.

1. DURING MEETING WITH AMBASSADOR MARCH 23, ORVILLE
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H. SCHELL, PAST PRESIDENT OF NEW YORK BAR ASSOCIATION,
AND ATTORNEY JEROME L. COBEN REPORTED IMPRESSIONS OF
THEIR CONVERSATIONS WITH OFFICIALS FROM USA INSTITUTE
AND MOSCOW COLLEGIUM OF LAWYERS. SCHELL SAID THAT HE
HAD GIVEN USA INSTITUTE DIRECTOR GEORGIY ARBATOV AND
MOSCOW LAWYERS COLLEGIUM PRESIDENT CONSTANTINE APRAKSIN
A FRANK APPRAISAL OF SERIOUS IMPACT IN U.S. OF

DISCREPANCY BETWEEN SOVIET WRITTEN LEGAL CODE AND ARBITRARY PRACTICE, REFERRING SPECIFICALLY BOTH TO USE OF PARASITISM AND ANTI-SOVIET AGITATION ARTICLES AND TO CHARGES AGAINST ANATOLI SHCHARANSKIY.

2. SCHELL AND COBEN FOUND ARBATOV RESTRAINED IN HIS RESPONSES TO THEIR PRESENTATION ON HUMAN RIGHTS AND APPARENTLY WORRIED IN GENERAL ABOUT FUTURE OF DETENTE, WHICH HE TOLD THEM HE CONSIDERED OF GREAT IMPORTANCE. "WE MUST HAVE DETENTE", ARBATOV SAID AT ONE POINT, WITHOUT SPECIFYING WHETHER "WE" MEANT BOTH SIDES (AS SEEMS MORE LIKELY TO EMBASSY), OR ONLY THE SOVIET UNION. HE CHARACTERIZED HUMAN RIGHTS AS A NEW "SHIBBOLETH" IN PLACE OF COLD WAR. SCHELL BELIEVES, NEVERTHELESS, THAT ARBATOV UNDERSTOOD CLEARLY SCHELL'S REMARKS ABOUT IMPACT IN U.S. OF SOVIET HUMAN RIGHTS POLICIES, PARTICULARLY WITH REGARD TO SHCHARANSKIY.

3. APRAKSIN TOLD SCHELL THAT SHCHARANSKIY WILL DEFINITELY BE TRIED AND INVITED SCHELL TO BE PRESENT AT THE TRIAL. HE CLAIMED, HOWEVER, THAT HE DID NOT KNOW WHAT THE CHARGES AGAINST SHCHARANSKIY WOULD BE. SCHELL WAS GIVEN IMPRESSION THAT TRIAL WOULD NOT OCCUR FOR SOME TIME YET, BUT IS SKEPTICAL ABOUT ACCURACY OF APRAKSIN'S HINTS ON THIS POINT.

4. SCHELL HAS TRIED TO VISIT SOVIET PROSECUTOR GENERAL
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RUDENKO, BUT HAS FOUND HIS USA INSTITUTE CONTACTS UNHELPFUL ON THIS POINT, IN CONTRAST TO THEIR GENERALLY EXCELLENT ASSISTANCE OTHERWISE.

5. MFA USA DIVISION DEPUTY CHIEF FEDOSEYEV, IN CONVERSATION WITH POL COUNSELOR MARCH 22, VOLUNTEERED THAT RUDENKO "OR SOMEONE ELSE IN HIS OFFICE" WAS INTERESTED IN MEETING SCHELL, BUT HAD NOT RECEIVED REQUEST. (EMBASSY ASSUMES THAT MFA INTEREST SPARKED BY ADVICE FROM SOVIET AMBASSADOR DOBRYNIN ON SCHELL'S VISIT). AFTER SCHELL POINTED THIS OUT TO HIS USA INSTITUTE CONTACTS, A VISIT WAS ARRANGED FOR MARCH 24 WITH "EITHER RUDENKO OR SOMEONE IN HIS OFFICE."

6. SCHELL HAS HAD LIMITED CONTACTS WITH SOVIET REFUSENIKS. HE HAS SEEN VLADIMIR SLEPAK AND HAS MADE ARRANGEMENTS TO SEE ANDREI SAKHAROV AFTERNOON OF MARCH 24, BY WHICH TIME ALL CALLS ON SOVIET OFFICIALS WILL BE COMPLETED. COBEN HAS HAD MUCH MORE EXTENSIVE REFUSENIK CONTACTS AND ON ONE OCCASION SPOTTED WHAT HE BELIEVED WAS SURVEILLANCE. HE CHARACTERIZES REFUSENIK MOOD AS VERY DISCOURAGED AND REFUSENIKS THEMSELVES AS UNABLE TO PERCEIVE ANY OF CURRENT

NEWS AS GOOD.

7. SCHELL INTENDS TO SEE SECRETARY VANCE AFTER RETURNING TO U.S. AND IS CONSIDERING INVITING SOME SOVIETS TO U.S. FOR FURTHER EXCHANGE OF VIEWS WITH SELECTED MEMBERS OF BUSINESS, LEGAL AND ACADEMIC COMMUNITIES. IN RESPONSE TO HIS REQUEST FOR ADVICE ON WHICH SOVIETS TO INVITE, AMBASSADOR SUGGESTED A MIXTURE OF PEOPLE FROM USA INSTITUTE, TRADE COUNCIL AND PROCURACY, AND OFFERED TO GIVE MORE SPECIFIC THOUGHTS ON THIS AT APPROPRIATE TIME IF SCHELL WISHED. AMBASSADOR TOLD SCHELL THAT VISITS SUCH AS SCHELL'S TO USSR ARE USEFUL AS ADDITIONAL WAY OF GETTING ACROSS TO SOVIETS REACTION IN U.S. TO THEIR BEHAVIOR

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ACTION EUR-12

INFO OCT-01 ISO-00 HA-05 L-03 SS-15 NSC-05 SP-02 CU-04
CIAE-00 INR-10 NSAE-00 /057 W
-----004411 271405Z /43

R 241755Z MAR 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 9602
INFO AMCONSUL LENINGRAD

C O N F I D E N T I A L SECTION 02 OF 02 MOSCOW 05674

IN HUMAN RIGHTS AREA. TOON

NOTE BY OC/T: MESSAGE DELAYED IN TRANSMISSION.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: VISITS, ATTORNEYS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MOSCOW05674
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780132-1004
Format: TEL
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780328/aaaaaxou.tel
Line Count: 166
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 46f137be-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 LENINGRAD 847
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3212542
Secure: OPEN
Status: NATIVE
Subject: AMERICAN LAWYER ORVILLE H. SCHELL
TAGS: PINT, PINS, SHUM, OVIP, UR, CSCE, (SHELL, ORVILL H), (COBEN, JEROME L)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/46f137be-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014